

## REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1, 3-13, and 15-19 have been rejected under 35 U.S.C. §103(a). Applicants respectfully request reconsideration of the application in view of the above amendment and the following remarks submitted in support thereof.

### **Rejections Under 35 U.S.C. § 103:**

Claims 1, 3-13 and 15-19 are rejected under 35 U.S.C. §103 as being anticipated by US Patents 6,516,350 and 6,529,950 to Lumelsky et al (Lumelsky) in view of US Patent 6,665,861 to Francis et al. (Francis). The Examiner asserts that Lumelsky teaches a system for providing application-specific strategies to a Java platform. Applicants respectfully traverse the Examiner's assertion because the portion of the reference relied upon by the Examiner (Figure 6) does not disclose a system for providing application-specific strategies to a Java platform. In fact, Lumelsky, teaches a system and method for managing and controlling the distribution, sharing and pooling of resources in an Internet/World Wide Web environment in such a manner that is beneficial, accountable, and seamless to the users who are requesting access to multimedia content (Column 5 lines 16-21). Specifically, Figure 6 illustrates Service Control Plane (SCP) as essentially comprising two layers: a Service Manger Layer and a System Management Layer.

Whereas, the claimed invention defines a system for providing application-specific strategies to a Java platform. The application-specific strategies are programmed using a Java programming language so that the existing Java platform of the users need not be altered. The Examiner compares the runtime subsystem of the claimed invention to the system management layer of Lumelsky. In the claimed invention the runtime subsystem is

responsible for the runtime management and supervision of the Java applications executing on the system for providing application-specific strategies to a Java platform. Moreover the application-specific strategies are provided in Java code. In contrast, the system management layer in Lumelsky provides an aggregated demand and capacity management and control by attempting to match predicted demand for web objects to available capacity on web servers by dynamically shaping both demand and capacity based on some system criteria established by the system policies (column 9, lines 65-67 and column 10 lines 1-3). Therefore, the runtime subsystem of the claimed invention should not be compared to the system management layer of Lumelsky.

Next, the Examiner compares the Service Control Plane (SCP) of Lumelsky to the control module of the claimed invention. This comparison, like the previous comparison, is misplaced. The SCP makes the resource management a possibility by allowing an end-resource to be both globally and locally managed with global components managed by the system and the local components self-managed by the resource. (Column 6, lines 31-35). The control module of the claimed invention is a code module that includes application-specific policies for the Java application. The control module of the claimed invention is executed as part of an application, so that the developers can provide application-specific strategies to their applications without having to alter their underlying Java platform. In contrast, the SCP monitors the availability of the resources, maps the requests to the servers with available resources, predicts utilization of the end-resources and if necessary, dynamically re-distribute the content (column 9, lines 4-7). In short, Lumelsky teaches a way to allocate available resources, which is drastically different from the system of the claimed invention that provides application-specific strategies to a Java platform.

Moreover, the system management layer of Lumelsky is part of the SCP and the Examiner compared system management layer and the SCP to the runtime subsystem and the control module respectively of the claimed invention. In the claimed invention, the runtime subsystem is not part of the control module. The control module collaborates with the runtime executive subsystem of the runtime subsystem, but the runtime subsystem is not part of the control module. Therefore, it is further shown that, the comparison of the system management layer and the SCP of Lumelsky to the runtime subsystem and control module of the claimed invention is misplaced.

It is submitted that the combination of Lumelsky with Francis would not have taught the claimed invention. Francis teaches a system for generating semi-deployed enterprise Java beans by using metadata. According to Francis, the invention is directed to an apparatus and method for including, in a Java Archive (JAR) file, such metadata as to provide an enterprise Java bean with deployment information to aid in deployment of the undeployed enterprise Java bean. Moreover, the portion of Francis relied upon by the Examiner i.e. Col 1, line 65- Col 2, line 5 and Col 5, lines 15-20) does not mention anything about the portability of the Java. As can be seen, Francis would not have cured any of the deficiencies pointed out above with respect to Lumelsky. Accordingly, at least for the above stated reasons, independent claims 1, 8, and 15 are patentable under 35 U.S.C. §103(a). Thus, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103 (a) rejection. Claims 3-7, 9-13, and 16-19 each of which depends directly or indirectly from independent claims 1, 8, and 15 are likewise patentable at least for the reasons discussed above.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the reference or in the knowledge generally available, to one having ordinary skill in the art, to combine the references. Additionally, the references when

combined must teach or suggest all the claim features. As discussed above, Lumelsky teaches management of distributed resources. Francis teaches an invention is directed to an apparatus and method for including, in a JAR file, such metadata as to provide an enterprise Java bean with deployment information to aid in deployment of the undeployed enterprise Java bean. In contrast, the claimed invention defines a system for providing application-specific strategies to a Java platform without altering the existing Java platform. As can be seen, there is nothing in Francis that would have cured any of the deficiencies pointed out above with respect to Lumelsky. Therefore, even if it is deemed that there would have been a proper motivation to combine the references, a proposition with which Applicants disagree, the resulting combination would not include all the claimed features of the independent claims of the claimed invention.

Therefore, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103 rejections.

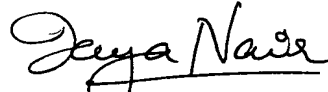
### **Conclusion**

In view of the foregoing, Applicants respectfully submit that all the pending claims 1, 3-13, and 15-19 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

If the Examiner has any questions, the Examiner is requested to contact the undersigned at (408) 774-6926. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP002A). A duplicate copy of the transmittal is enclosed for this purpose.

U.S. Application No. 09/812,536  
Amdt. dated August 29, 2005  
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Respectfully submitted,  
MARTINE & PENILLA, L.L.P.

A handwritten signature in cursive script that reads "Jaya Nair". The signature is written in black ink and is positioned above the printed name and title.

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